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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
ROBERT T. MATSUI FEDERAL COURTHOUSE

CALIFORNIA SPORTFISHING PROTECTION
ALLIANCE,

Plaintiff,

v.

KATHLEEN ALLISON, in her official capacity as
Secretary of the California Department of Corrections
and Rehabilitation,

Defendants.

COUNTY OF AMADOR, a public agency of the State
of California,

Plaintiff,

v.

KATHLEEN ALLISON in her official capacity as
Secretary of the California Department of Corrections
and Rehabilitation; PATRICK COVELLO in his
official capacity of Warden of California Department
of Corrections and Rehabilitation Mule Creek State
Prison; and CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,

Defendants.

Case No. 2:20-cv-02482-WBS-AC
[Consolidated with 2:21-cv-
00038-WBS-AC]

**PLAINTIFFS' JOINT *EX*
PARTE APPLICATION TO
MODIFY FINAL PRETRIAL
ORDER DATES**

Date:	None set
Time:	None set
Dept:	5
Judge:	William B. Shubb
Trial Date:	April 18, 2023
Action Filed:	January 7, 2021

2:20-CV-02482-WBS-AC [CONSOLIDATED
WITH 2:21-CV-00038-WBS-AC]
PLAINTIFFS' JOINT *EX PARTE*
APPLICATION TO MODIFY PRETRIAL
ORDER DATES

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APPLICATION**TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD****HEREIN:**

PLEASE TAKE NOTICE THAT Plaintiffs California Sportfishing Protection Alliance (“CSPA”) and County of Amador (“County”) (collectively “Plaintiffs”) hereby apply to Courtroom 5 of the above entitled Court, located at 501 “I” Street, Sacramento, CA 95814 *ex parte* for an Order to modify five (5) deadlines in the Final Pretrial Order, ECF 110. This application is based on this Notice of Application, the Memorandum of Points and Authorities, the Declaration of Rebecca Andrews, and any exhibits thereto filed concurrently, and all documents and evidence on file in this matter, and such further arguments and evidence as shall be presented if the Court requests a hearing on this matter. No hearing date is set in this notice because this Court’s standing order provides that it generally hears these matters on the papers unless the Court sets a hearing date.

Plaintiffs respectfully request that the Court modify five (5) dates set forth in paragraphs III, IX and XIV of the Pretrial Order, ECF 110, for lodging and serving the proposed findings of fact and conclusions of law and form of judgment, for filing and serving a designation and counter-designation of answers to interrogatories and portions of depositions, and for serving any objections or suggested modifications to the Final Pretrial Order, ECF 110, as follows (deletions shown in strikeout and additions shown in underline:

III. Proposed Findings of Fact and Conclusions of Law and Form of
Judgment

No later than twelve ~~twenty-one~~ days before the trial date, plaintiffs shall lodge and serve the Findings of Fact and Conclusions of Law and form of judgment which plaintiffs propose to be entered at the conclusion of the trial pursuant to Fed. R. Civ. P. 52. No later than five ~~fourteen~~ days before trial, defendants shall lodge and serve the Findings of Fact and Conclusions of Law and form of judgment which defendants

proposes be entered.

IX. Use of Depositions or Interrogatories

No later than twelve ~~twenty-one~~ days before the trial date, counsel for each party shall file and serve a statement designating all answers to interrogatories and all portions of depositions intended to be offered or read into evidence, with the exception of portions to be used only for impeachment or rebuttal. No later than five ~~ten~~ days before the trial date, counsel for any other party may file and serve a counter-designation of other portions of the same depositions intended to be offered or read into evidence and may file evidentiary objections to any other parties' designation. No later than seven days before the trial date, the parties may file evidentiary objections to any other party's counter-designation.

XIV. Objections to Pretrial Order

Any objections or suggested modifications to this Pretrial Order shall be filed and served within ~~seven~~ twelve days before trial ~~from the file stamped date of this Order~~. All references herein to the date of this Order shall refer to the date the tentative order is filed and not to the date any amended order is filed. If no objections or modifications are made, this Order will become final without further order of the Court and shall control the subsequent course of the action, pursuant to Rule 16(e) of the Federal Rules of Civil Procedure.

This *ex parte* application is warranted under Federal Rules of Civil Procedure 6(b), 16(e), and Local Rule 144 which provide the Court the authority to modify a deadline on a showing of good cause and to prevent manifest injustice. As set forth in detail in the attached memorandum, good cause exists and modification will prevent manifest injustice because (1) certain dates in the Pretrial Order, ECF 110, had already passed when the order was provided to the parties on March

1 29, 2023; (2) the deadlines passed without any fault from any party, who acted diligently after
2 learning of the problem; (3) failure to modify the dates would result in manifest injustice to the
3 parties by preventing timely filing of the required documents; (4) the continuance would allow
4 the parties to submit the required documents with sufficient time before trial is set to begin; and
5 (5) defendants retain the same amount of time to respond to any filing submitted by plaintiffs as is
6 provided in the current Pretrial Order.

7 Defendants in this action are represented by Jennifer HartmanKing, Esq.:
8 California Department of Corrections and Rehabilitation
9 C/O Jennifer HartmanKing
10 HartmanKing PC
2150 River Plaza Drive, Suite 320
11 Sacramento, CA 95833

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13 Dated: April 3, 2023

BEST BEST & KRIEGER LLP

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15 By: /s/ Rebecca Andrews
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